

REMARKS/ARGUMENTS

This correspondence is a second amendment after the first Official Action of January 24, 2006. As background, the first Official Action indicated that Claim 3 was allowable, and that Claims 6-11 and 15-18, would be allowable if rewritten to overcome minor informalities. In addition, the first Official Action objected to Claims 1, 6, 12 and 15 as including the phrase “the received beam” without proper antecedent basis, and rejected Claims 1, 2, 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,243,168 to Helfinger et al. In the first amendment following the first Official Action, Applicant amended independent Claims 6, 12 and 15 (and reflected the same in the amendment to Claim 3) to recite “the target beam” instead of “the received beam,” as suggested by the Examiner in the first Official Action, thereby overcoming the objection to Claims 6, 12 and 15 and placing Claims 6-11 and 15-18 are in condition for immediate allowance. In addition, Applicant rewrote allowable Claim 3 into independent form (canceling independent Claim 1 without prejudice) and to correct an inadvertent typographical error, and amended the dependencies of Claims 2, 4 and 5, thereby also placing allowable Claim 3, and now by dependency Claims 2, 4 and 5, in condition for immediate allowance. Further, Applicant amended independent Claim 12 to include recitations similar to those of dependent Claim 3, albeit recited as steps of a method, thereby placing independent Claim 12, and by dependency Claims 13 and 14, in condition for allowance for at least the same reasons as allowable Claim 3.

Subsequent to submitting the first amendment after the first Official Action, Applicant’s undersigned attorney received a telephone call from the Examiner expressing an objection to the expressions “capable of” and “can” in various ones of the claims. Accordingly, and in response thereto, Applicants submit this second amendment amending Claims 2-12, 14, 15 and 18 to remove various instances of the aforementioned expressions. Applicant notes that the amendments to Claims 2-12, 14, 15 and 18 constitute non-narrowing amendments because the amendments merely clarify the claimed invention already reflected in the respective claims.

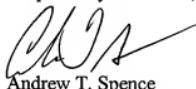
Appl. No.: 10/683,615
Amdt. dated 05/31/2006
Second Reply to Official Action of January 24, 2006

CONCLUSION

In view of the amended claims, and the remarks presented above, Applicant again respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111